

REMARKS

Claims 1-29 are pending in the present application. Claims 1, 8, 16, and 21 have been amended herein. No new matter has been added.

Applicants would like to thank the Examiner for the indication that claims 3-5, 7, 10, 11, 12, 14, 15, 20, 25, 26, and 28 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Claims 1, 6, 8, 13, 16, 19, 21, 24, 27, and 29 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Patent Application Publication No. 2004/0251549 to Huang et al. (hereinafter "Huang"). Claims 2, 9, 17, 18, 22, and 23 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Huang. Applicants respectfully traverse these rejections.

The positions taken by the Office Action appear to indicate a misunderstanding regarding the phrase "ILD layer." An ILD layer is well known in the art and is commonly understood to refer to a dielectric layer positioned between the substrate and a metal layer or between metal layers. The Office Action, however, appears to be redefining the phrase in a novel and unique way such that the phrase "ILD layer" refers to a group of ILD layers. This is simply incorrect. The phrase "*an inter-level dielectric (ILD) layer*" (claim 1) refers to a single ILD layer and does not read on a group of ILD layers taken collectively; and the phrase "the first ILD layer" (claim 8), which comprises three sublayers, refers to a single ILD layer, not the *seven different ILD layers taken collectively* as identified by the Office Action. Applicants respectfully submit that these assertions in the Office Action are incorrect.


Nevertheless, in an attempt to move this case forward toward issuance, Applicants have amended independent claims 1, 8, 16, and 21 to explicitly state that the claims are referring to a single ILD layer. Accordingly, it is respectfully requested that the rejections of independent claims 1, 8, 16, and 21 under 35 U.S.C. § 102(e) be withdrawn. Claims 2-7, 9-15, 17-20, and 22-29 depend from and further limit independent claims 1, 8, 16, and

21, respectively, and accordingly, it is also respectfully requested that the rejections of dependent claims 2-7, 9-15, 17-20, and 22-29 be withdrawn as well.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date


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